

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LUXWEAR LTD., et al.,

Plaintiffs,

-against-

ADAPTIV RESEARCH & DEVELOPMENT
GROUP, LLC,

Defendant.

USDC SDNY
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DATE FILED: 04/11/2023

22-CV-5458 (AT) (BCM)

**ORDER REGARDING MOTION
TO WITHDRAW**

BARBARA MOSES, United States Magistrate Judge.

Now before me is the renewed motion of Abrams Fensterman LLP (Abrams Fensterman), filed on April 3, 2023 (Dkt. 64), for leave to withdraw as counsel for defendant Adaptiv Research & Development Group, LLC (Adaptiv).¹ The deadline for plaintiffs and Adaptiv to respond to the motion (confidentially, in Adaptiv's case) was yesterday. (*See* Dkt. 62.) Plaintiffs submitted a response taking no position on the motion. (Dkt. 69.) No response was received from Adaptiv.

It is hereby ORDERED that a videoconference regarding the renewed withdrawal motion will take place on **April 14, 2023, at 12:00 p.m.** A link for the videoconference will be provided by chambers via email. A publicly accessible audio line (available to nonparties, including members of the public) can be accessed by dialing **(646) 453-4442** and entering the access code **99111810#**. Attorney Smith must attend the conference. An officer, director, or managing agent of defendant Adaptiv must also attend. Plaintiffs and their counsel need not attend.

Because Adaptiv is not a natural person, it cannot defend itself against plaintiffs' claims except through an attorney admitted to practice before this Court. If the withdrawal motion is granted, Adaptiv will be required to retain new counsel to appear on its behalf.

¹ The Court construes the motion as seeking leave to withdraw for the two Abrams Fensterman attorneys who have appeared in this action as counsel of record for Adaptiv: Edward A. Smith and Daniel Stuart Alter.

Should it fail to do so, a default judgment could be entered against it.

It is further ORDERED that Abrams Fensterman shall promptly serve this Order, as well as the videoconference link, when received, upon its client, and file proof of such service upon the docket.

Dated: New York, New York
April 11, 2023

SO ORDERED.

A handwritten signature in blue ink, appearing to read 'Barbara Moses', is written over a horizontal line.

BARBARA MOSES
United States Magistrate Judge